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International Court of Justice

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H3004 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 20 July 1948

I certify that Document Number 1759-PS was introduced into evidence as Exhibit Number USA-420 in the Trial by the International Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

DCB-36 (10247)

H3004 - 0003

C E R T I F I C A T E

I hereby certify that the annexed document 1759-PS No. USA - 420 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nuremberg, 1 July 1948

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

H3004 - 0004

United Mexican States
Mexico, Federal District
Embassy of the United States of America
} SS

Mexico City, D. F.
Mexico
} ss.

RAYMOND H. GEIST, being first duly sworn, deposes and says:

I came to Berlin in December, 1929, as Consul and continued in that capacity, exercising my official functions until the end of 1939. In 1938 I was appointed First Secretary of the Embassy and continued in that office discharging at the same time my duties as consul. During the entire period of ten years my work was of such character that I frequently came into contact with many officials of the German Government. After the Nazis came to power in 1933, these contacts increased owing to the much more frequent occasions on which it was necessary to intervene with German officials in order to protect the rights of American citizens and their properties. During this period I not only had many official contacts but also friends and acquaintances, both in Berlin and elsewhere in Germany. My work permitted and occasionally required travel in Germany. It was my custom to make bicycle trips, as well as excursions by automobile to various points particularly in the environs of Berlin, often to the extent of fifty miles. Although I do not have the first-hand information with regard to developments under the National Socialists for all of Germany that I have regarding the neighborhood of Berlin, I saw enough during my excursions, and was told enough by friends and acquaintances to know that the activities hereafter described in

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NURNBERG, GERMANY
USA Exhibit 420
Filed Dec 19, 1945 A-091671

H3004 – 0005

in and around Berlin were being substantially duplicated all over Germany.

There were indeed few military establishments in the neighborhood of Berlin in 1929 and until 1933 there were the Casernas at Potsdam and the military establishment at Döeberitz. After the Nazis came to power, military establishments of all sorts grew up with enormous rapidity. Before the end of 1933, during my frequent excursions, I discovered outside of Berlin on nearly every road leaving from the City new large military establishments, including training fields, airports, barracks, proving grounds, anti-aircraft stations and the like. For these establishments most of the ground was broken during the year 1933; there were probably fifty within the immediate vicinity of Berlin. Most of these establishments were being openly prepared; nevertheless they were under guard. It was apparent with respect to others that an attempt was made to preserve secrecy. I recall in particular that the large anti-aircraft station near my house in the Gruenwald was built under secrecy, likewise a munitions dump burrowed in the hills of Wildpark near Potsdam was also built under secrecy. Being disguised as a German and speaking the language, I was able on my bicycle trips to penetrate certain of these establishments where at various times I saw military exercises, including the use of tanks, in various maneuvers. I recall from my travels beyond Berlin and the information and reports which I had from friends and acquaintances that the same feverish preparations were in progress

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H3004 – 0006

progress throughout the length and breadth of Germany, in fact, all establishments which could serve a military purpose were converted to military uses.

I also saw the preparations being made for building up the new army. I visited the camps of the compulsory labor service, the Arbeitsdienst, which was well under way by the end of 1933, with camps established all over Germany. Though this was ostensibly a labor service, it was essentially military in character, as is well known. I saw the men working on reclamation projects and was informed that they worked two hours in the morning and two hours in the afternoon, the balance of the time being spent in military tactics and in instruction in Nazi ideology. So that when conscription went into effect in 1935, through the medium of these camps, it was possible for the Germans to put up a trained army of at least 3,500,000 men, which formed the nucleus of the future army of aggression.

Particularly through the years 1933 and 1934 the hordes of storm troopers (S. A.) were much in evidence practicing military exercises. They were being converted into a military organization. I frequently encountered the storm troopers deployed in fields and in forests engaged in military technical exercises. This was all the part of a general plan to prepare Germany's manpower for war.

I witnessed, too, scores of times, the training of the Hitler Youth, which included boys from 14 to 17, who, dressed in their uniforms,

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H3004 - 0007

uniforms, were likewise generally in evidence whereever I chose to travel. I frequently saw them in the woods near Berlin, deployed in ravines, in fields, woods and hillsides staging mock attacks, employing the technique of actual maneuvers. Frequently they were under the direction of uniformed leaders and at times under officers of the Reichswehr. This type of training of the youth extended everywhere in Germany. Frequently my route of travel had to be changed in order not to find myself in the midst of some maneuvers which required the use of roads or paths along which I was riding. It was not considered wise to get too close to these operations, particularly if they were on an extensive scale.

The Deutsche Jungvolk (boys from the ages 6 to 14) was also the vehicle for military training. They were also in evidence throughout the country. I frequently met them marching. I saw them engaged in military exercises in the school yards during the school recesses, particularly throwing hand grenades usually under expert adult leadership. Often I have seen these children in large numbers engaged in what were obviously military maneuvers, and under the direction of adult uniformed officers.

I had occasion, at times, to witness the organizations which were created for the girls that were part of the Hitler Youth and were also incorporated in the so called Arbeitsdienst, usually located somewhere near the camps for men. The resultant illegitimate children were a definite planned result of the program; they were

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H3004 - 0008

were part of the manpower and the army for the next generation. The shame and the grief of parents over this program fostered and urged by the Nazis although it existed, was seldom openly expressed on account of dangers to which the parents might expose themselves.

So far as the youth were concerned, the entire program was carried on with lavish propaganda and enough benefits to the participants to make it extremely popular. The Nazis provided the youth with special trains, special trucks, special bathing beaches, food and other privileges. At the same time, the semi-hysteria which was maintained about the whole National Socialist program made it impossible for parents or anyone else to speak against it even if they had wished to do so. The German people were well acquainted with the going on in concentration camps and it was well known that the fate of anyone too actively opposed to any part of the Nazi program was liable to be one of great suffering. Indeed, before the Hitler régime was many months old almost every family in Germany had had first-hand accounts of the brutalities inflicted in the concentration camps from someone either in the relationship or in the circle of friends who had served a sentence there; consequently the fear of such camps was a very effective brake on any possible opposition.

In addition to what I saw during these many years with my own eyes regarding the preparation and the building of a huge armed force, I received reliable information from trustworthy

sources

H3004 - 0009

sources as to its scope and strength. One of my close friends in Berlin was one George Graffenstein, who lived at 34 Altenauerstrasse, just across the street from me. He was a German, formerly a member of Meile Printing Company of Chicago and a man strongly opposed to the Nazis. He had been an officer in the German army in the First World War; therefore he knew a large number of the officers of Reichswehr. Occasionally he gave in his house beer-evenings which a number of Reichswehr officers attended, including certain Generals. To these parties I was occasionally invited. One of these Generals was General Goettke, who was the head of the artillery on the General Staff and a very close friend of Graffenstein. In addition Graffenstein's nephew was on the General Staff and was at the same time the liaison between the Reichswehr and the S. A. Late in 1934, George Graffenstein told me that from the information which he had received from his friends, the armament program was already so complete, so far advanced, so gigantic and all-inclusive, that there was no doubt of Germany's winning the war on sheer weight of arms alone. That same information was given to me directly by certain of the high officers of the Reichswehr, whom I met at Graffenstein's house.

By the middle of 1934 it had become obvious that the rearmament program, though in its beginning, was being planned on a vast scale so that it could not possibly be considered as defensive armament but only as a weapon for offensive war. This was, however, not a conclusion of my own; but it was openly stated as such to me.

Graffenstein

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H3004 -0010

Graffenstein told me in 1934, during the conversations to which I have already referred, that the purpose of the program was an aggressive war. He told me that he had been so informed by General Goettke in particular. This statement was borne out by other persons who were in the know in Germany at that time. I confirmed his statements by my own conversations with the Generals who gathered in his house. They intimated to me, not only that Germany was embarked upon an inevitable program toward war but even gave me indications of the general plan, namely, the drive to the East and the attack upon Russia, after Poland, Czechoslovakia, and Austria had been eliminated. This was as early as 1934 and I had many similar conversations along the same line at Graffenstein's house during the following years.

Similar information was constantly being confirmed from other sources at later dates. For instance, in December 1938, I had a conversation with General Franz Halder, who was then Chief of Staff, at the house of Dr. Etscheit, a prominent Berlin lawyer. Halder stated to me: "You must take into account the National Socialist program in the East. If you, the Western powers, oppose our program in the East, we shall have to go to war with you". During this conversation he made it clear to me that the program of the Nazis for expansion in the East was unalterably fixed and decided upon. It included the attack on Poland, the annexation of Austria, territorial expansion in Yugoslavia, Czechoslovakia, Rumania, and Russia, particularly in the Ukraine.

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H3004 - 0011

Ukraine. The latter provinces would have to be German. When I replied to Halder that I was positive the Western powers would never tolerate any such aggressive program and that inevitably it would not only mean war with England and France but with the United States as well, Halder replied: "That is a pity".

The same information as to the aggressive intention of the Nazis was given to me by a friend, Count von Bismarck, formerly Counselor of the German Embassy in London. He was violently anti-Nazi. In Germany, where I knew him, he held no official position, deriving his income from his estates in East Prussia; but he was a man with wide contacts in officialdom, particularly in the Foreign Office. He said that the Nazis were headed for war, for huge aggressive adventures, that conquest of the East was a major part of the vast plan and that conquest of the West would only follow, when complete victory in the East solidified Germany's strength and resources in those quarters. He made this statement to me in 1936 and we discussed it often in 1937 and 1938. He was extremely disturbed, not over the aggressive plans of the Nazis, but over their manner of converting Germany into a slave State, which he repudiated entirely. He considered that the course of the Nazis militarily could not be hindered and furthermore, no country was preparing to stop them.

I also had the same information from another reliable source. After Hitler came to power in 1933, General von Hammerstein withdrew from public life. He had been head of the Reichswehr under Chancellor Bruening. Although he was then retired, he knew and

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H3004 - 0012

associated intimately with the Generals of the German Army, as he was among them primus inter pares. He told me of the German program for aggressive war during a long conversation which we had during a musical recital in 1938 at Dr. Paul Kempner's home. The army, he said, was at a highly mechanized strength, extremely mobile and ready for anything. He was sure, in view of the preparations and the excellent character of the German equipment that the German Army was then an instrument of invincible striking power. He stated categorically that it was a superb instrument which had been formed to wage war and that it would not be much longer delayed. He did not know the plans and details but he confirmed the information that I had from all sources, that Germany intended to strike in the East and that the war in the West depended on whether or not the Western powers would endeavor to intervene when the German war machine started moving.

Of these aggressive designs I learned also from other sources. A personal friend, Dr. Hans Henniger, a veterinarian in Berlin, was an intimate friend of an officer by the name of Schlessicher (I believe that is the correct spelling), who was the responsible purveyor to the German Army, therefore a high member of the Quartermaster Corps. I do not remember his exact title. Dr. Henniger received from this man information constantly with regard to the preparations being made by the Germans in 1939. WB
WB A month before March 15, 1939, I was informed of the plans for marching into Prague on that date and that large stocks of food

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and other equipment were being accumulated near the border of Czechoslovakia. On March 15, 1939, the German Army rolled into Prague.

I also had a good deal of personal experience with and first-hand knowledge of the internal policies from 1935 to 1939. Indeed, from the very outset of the régime, I had intimate and continuous contact with various officers of the German Government in the course of my duties as an American official protecting American citizens or protesting against their mistreatment. The acts of violence against American citizens were numerous, particularly during the early years of 1933 and 1934. In addition, I was constantly receiving information as regards other Nazi tactics and the nature and number of victims from a variety of sources; the victims themselves on many occasions, both American and German, told me their experiences and appealed for help; relatives and friends of victims, both those who came back and those who did not; the foreign newspaper correspondents and, to a very considerable degree, I received information from the Gestapo itself.

For a period I dealt directly with Herr Heinrich Himmler, then subsequently with Herr Reinhard Heydrich and often with Dr. Werner Best.

My vigorous relations with the Gestapo began in March, 1933, in fact I knew the organization of the secret police and dealt with that organization before the Nazis came to power. It was then

H3004 – 0013

1759-PS

then the Politische Abtailung des Politzeipraesident, i.e., the political division of the Politizeipräsidium, which was charged with supervisory and preventive functions with regard to political matters, then chiefly investigating the terror of Communists. It was located in Berlin at the Politzeipräsidium. On March 6, 1933, it was moved from the Politzeipräsidium to No. 8 Prinzalbrechtstrasse and became the famous Gestapo (Geheimstaatpolizei), its first chief was Rudolf Diels, who was succeeded by Heinrich Himmler, in May, 1934. I knew well not only Diels but also Himmler, his second in command, Reinhard Heydrich and his administrative officer, Dr. Werner Best. The organization at No. 8 was huge with over 1,000 persons employed there. Besides, as rapidly as administrative measures permitted, Gestapo headquarters were established throughout Germany, not only in the cities but in provincial places to such an extent that the smallest hamlet and village fell under direct Gestapo supervision. At the beginning of the Hitler régime, the only organization which had meeting places throughout the country was the S. A. (storm troopers). Until the Gestapo could be organized on a national scale the thousands of local S. A. meeting places became the "arrest points". There were at least fifty of these in Berlin. Communists, Jews, and other known enemies of the Nazi party were taken to these points and, if they were enemies of sufficient importance, they were immediately transferred to the Gestapo headquarters. During 1933 and 1934, when the Gestapo

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H3004 - 0014

H3004 – 0015

1759-PS

became universally organized, the S. A. were gradually eliminated as arresting agents and the S. S. (Schutzstaffel) were incorporated as administrative and executive officials into the Gestapo. By the end of 1934, the S. A. had been fairly well eliminated and the S. S., the members of which wore elegant black suits and were therefore called Elite Guards, became almost identical as functionaries with the Gestapo.

Immediately in 1933, the concentration camps, as soon as they were established, were put under the immediate charge of the Gestapo and they remained exclusively a Gestapo institution. Only "political" prisoners were held in the concentration camps. Ordinary criminals remained the responsibility of the regular police authorities and the established courts. On being sentenced, they were confined in the regular prisons. These confinements were always the result of duly carried out legal procedure. Incarceration in concentration camps was carried out without any legal procedure, neither indictment nor trial. Prisoners were, occasionally, released from the concentration camps and turned over to the prosecuting attorney for prosecution before the legal courts of justice. A prisoner accused of high treason, for example, whose offense might carry a death sentence, would be released to the prosecuting attorney for trial in the people's court. All felonies were tried by the regular courts.

As I have stated, my frequent contacts with this entire Gestapo organization began with the first wave of terrorist acts

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in the week of March 6-13, 1933. That wave was accompanied by universal mob violence. Since 1925, one of the cries of the Nazi party had been "Jude Verecke" (Death to the Jews) and when the Nazi party won the elections in March, 1933, on the morning of the sixth, the accumulated passion blew off in wholesale attacks on the Communists, Jews, and those who were suspected of being either. Mobs of S. A. men roamed the streets, beating up, looting, and even killing persons.

No American citizen, so far as I am aware, was killed, but a number of them were assaulted and injured and appealed to the Consulate General for aid and protection. For example, Nathaniel Wolff, an American citizen, who resided in Rochester, New York, made an affidavit which stated:

> "This morning, March 6, at 5 o'clock, there came into my room five or six Nazis with drawn revolvers. They abused me, called me a dirty Russian Jew and started going through my belongings. They asked me what remarks I had made. I replied that I had made none that I knew of and that I am not interested in politics. One of them shouted "Do you call throwing bombs not being interested in politics?" Another asked at the same time, "Are you the Wolff who lived in the Pension Stephanie?" Having left the Stephanie on account of difficulties with the Portier regarding the price of the room and his behavior, I whistled very softly, intimating that I understood the source of the denunciation. Thereupon one of the Nazis remarked: "Du Scheiss Jude, warum pfeiffst du?" and hit me in the jaw. They said that they would take me to the police station, whereupon I answered, "The quicker, the better, because my conscience is absolutely clear." One of them said, "Do you call throwing bombs having a clear conscience?" The intruders were not accompanied by an officer, nor did they carry "Hilfspolizei" armbands. They took me in an automobile to an address in the Knewebeck Strasse
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H3004 - 0016

beyond the Kant Strasse (I believe No. 67 or 76, Gartenhaus left, I think three or four flights up the stairs). I was conducted to a bare room in which the shutters were closed and the windows boarded, evidently to prevent sounds from getting out, where, after my possessions were taken away including my keys, I was left with two guards who spent the time abusing the Jews. At five minutes before seven, the group who had arrested me returned with two or three members including one who was apparently a leader, when I was again abused, that is, they gave me to understand that they imagined I was implicated in communistic activities. I remarked that I should like to send a telegram to my cousin, Alan Steyne at the Hamburg American Consulate, and asked if I had the right to do so, whereupon the leader replied: "As a foreigner you have no right, and especially not as a Jew." One of the men then proceeded to bind my hands and feet as closely and as painfully as possible. I still bear the marks of the bruises on my wrists. I was questioned about various English and French letters which had been found in my room and taken along with them and then I was left about half an hour alone because they evidently discussed my fate. After some time one of the group returned and advised me that every one had a right to his own political opinions as long as no attempt was made to mix into politics. He remarked that nothing was to be gained by brutality, undid the rope and freed my hands and feet and gave me a cup of coffee and said, "Probably the thing isn't so bad because women chatter a great deal" and that I was denounced by a girl. After a few minutes he elaborated the statement that the girl, Paula, of the Pension, had denounced me as having the intention of throwing bombs at the Nazi parade. I expressed my astonishment and told him the facts of the case. He appeared to laugh it off and asked me if I would be willing to sign a paper on the condition that they would release me. I said "yes." They then said I would have to go to the police to have my signature attested to and one of the men who had come in, in the meanwhile, went out to draft the paper I was to sign. He returned with the paper which read: (1) "I am a Jew." (2) "I will leave tonight for Paris," (3) "I promise never again to set my foot on German soil." "I attest that no physical violence was done to me and that none of my property was stolen." This paper I signed. They told me to put on my coat and come to the police. Instead of taking me to the police station they took me to Charlottenburg towards the Gruenwald. When I asked to which police station they were taking me, they replied "You'll get there soon enough." When we were near the Heer Strasse they pretended that the automobile was broken down and informed

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1759-PS

me that I would have to walk through the woods to get to the police station. We proceeded into the woods where three members drew their pistols and the other two brought straps out of their pockets and informed me that they were going to teach me a lesson and made as if they were about to tie me to a tree. They said that they intended to beat the life out of me and "You can walk back afterwards." I replied that I hoped I would be able to walk. This was probably about eight o'clock and we were entirely alone as nobody had followed us. I took off my coat myself and remarked "If one can't help oneself, one may as well make the best of it." One of them threw my coat to the ground and said "Get ready" and after making a threatening gesture, said "You can go home now." pointing to the wrong direction, whereupon they walked rapidly to the automobile and disappeared yelling after me, "Keep your mouth shut," I was also threatened that if they ever caught me in Germany again, they would know how to get me out of the way..."

Another American, Herman I. Roseman, made an affidavit which stated:

"Yesterday, March 10, 1933, in the afternoon at about 4:30, I came out of "KDW" with my fiancee, Fraeulein Else Schwarzlose, residing in Wilmersdorf, Kaiser-Allee 172, and proceeded to walk along Tauentzien Strasse. A man in S. A. uniform stepped on my toe purposely, obviously offended me and said "Pardon." I said "Bitte," and walked ahead. He followed me and kicked me saying: "Na und?" A policeman saw this and walked ahead, paying no attention to attacks made on me. Then I took my passport out of my pocket, showed it to the second policeman, and said that I was an American citizen, but he walked ahead, obviously not able to afford me protection, or at least being unwilling. The S. A. man continued to attack me, struck me in the face, wounded me over the eye and continued to do me bodily harm. During this attack, all the time my walking along, we reached another policeman, and I applied to him, showing my passport and said: "I am an American and am entitled to protection." He shrugged his shoulder and said "What can I do?" By this time the S. A. man had obviously inflicted enough attack upon me and walked away.

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Upon my appeal the policeman brought my fiancee and me to the station house at 13 Bayreuther Strasse. My fiancee and I reported to the officer in charge. He heard the story and said that he was sorry, but that there was nothing to do. My face was bleeding. The policeman said that he had had orders not to interfere in any affair in which an S. A. man took part. I then asked him what I could do to protect myself. He said that there was nothing to do but to wait until the situation was better. He added that the police were absolutely powerless, and were under the direction of the S. A., and that there were S. A. Sturm-Abteilung in the police itself. Thereupon I departed..."

Another American, Mrs. Jean Klauber, made an affidavit which stated:

"That on the night of Friday, March 10, 1933, she and her husband had retired for the night when they were awakened by by a prolonged ringing of their apartment bell. They heard pounding upon the street door and a demand for immediate entry, and a concurrent threat to break the door down. The street door was opened by the janitor's wife, and a party of four or five men entered and went at once to the apartment of the deponent where they again rang and pounded on the door. Mr. Klauber asked who was there, and was answered - "The police". He opened the door and a party of four or five men in brown uniforms, one wearing a dark overcoat and carrying a rifle, pushed in, jostling Mr. and Mrs. Klauber aside. One asked Mrs. Klauber where the telephone was and she indicated the room where it was to be found, and started to go there. Thereupon, she was knocked down by one of them. They went on to the bedroom where Mr. and Mrs. Klauber followed them, and there they demanded their passports. Mr. Klauber went to the wardrobe to get his, and was stopped, being asked by the intruders whether he was carrying any weapons. Being clothed only in pajamas, his denial was accompanied by a gesture indicating his garb. He then turned to the wardrobe, opened it, and reached for one of his four suits hanging therein where he thought the passport was, and was immediately attacked from behind by all but one of the intruders, who beat him severely with police clubs, the one with the overcoat and rifle standing by. Remarks were shouted such as "Look. Four suits, while for fourteen years we have been starving." Mrs. Klauber tried to inquire the reason for their actions, and was answered - "Jews. We hate you. For fourteen years we have been waiting for this, and tonight we'll hang many of you."

When

When the intruders stopped beating Mr. Klauber he was unconscious, and they demanded the passports again of Mrs. Klauber. Mrs. Klauber found her American passport and her German passport (required by local authorities as the wife of a German citizen, and issued by the police at Munich after her arrival here), and the intruders took both in spite of Mrs. Klauber's protests that she was American. She then searched for her husband's passport, laid hold of his pocket-book, and in her excitement offered it to them. Though full of money they refused it, and again demanded the passport. Mrs. Klauber then found it and handed it over.

Then the intruders returned to the unconscious Mr. Klauber, saying "He hasn't had enough yet", and beat him further. Then they left, saying "We are not yet finished", and just as they departed, one of them said to Mrs. Klauber "Why did you marry a Jew? I hate them" and struck her on the jaw with his police club...."

I personally can verify that the police had been instructed not to interfere; that is that there was official sanction for these activities. Affidavits taken from numerous victims attest this fact. I had become acquainted with the two police officers stationed at the corner of Bellevuestrasse and Tiergartenstrasse near where the Consulate General was located; these officers told me that they and all the other police officers had received definite instructions not to interfere with the S.A., the S.S. or the Hitler Youth.

For the Germans who were taken into custody by the Gestapo, chiefly Communists at that time, there was, from my experience and from the information that I had from all sources, a regular pattern of brutality and terror. Upon arrest, the victims would be systematically subjected to indignities and brutalities such as

H3004 - 0020

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as beatings, kicking, pushing downstairs, deprivation of food and all comforts, and threats of much worse. After the victims had been imprisoned - usually in cellars, since both the headquarters at No. 8 Albrechtstrasse and the S.A. meeting places usually had them - they would be beaten with various degrees of severity. If the Gestapo believed that the victim - particularly Communist leaders - had information as to other alleged accomplices they would give systematic beatings, usually when stripped and tied on a table. This would go on often for many days until they had extracted the information they wanted or killed the victim.

Based on all of the reports which I had from many sources, my judgment is that the victims were numbered in the hundreds of thousands all over Germany. Many of them were ultimately released. I can state with certainty that the contemporaneous accounts in foreign newspapers, such as the London Times and the American newspapers which I have seen, are accurate.

The second wave of terror was not so systematic nor so concentrated as to point of time. It was directed chiefly against the Jews, and was chiefly the result of the ruthless and occasionally violent enforcement of numerous decrees and orders, such as the Nürnberg Decrees. After the initial outbreak in March, 1933, and all through that year and the next, the Jews still in Germany had, in many cases, come to believe that things might become a little better and that they could live in some

H3004 - 0021

some sort of peaceable relationship with the Nazis, even though they were reduced to the status of second or third class citizens. In 1935, however, the pressure on them began to increase and they began to be excluded completely from certain civil activities. The terrorism was continued all the time to some degree; but the enforcement of the new decrees in 1935 was characterized by such brutality and ruthlessness that it warrants special attention. Inadvertent violators were dealt with, for example, with great severity.

The 1938 wave of terror was a very pronounced and definite one. Again the object was the Jews, particularly the wealthy ones. The ostensible occasion was the murder of the German diplomat, von Rieth, by a French Jew, but the violence was in no sense spontaneous. Dr. Best, the Administrative Officer of the Gestapo, told me that the terror had been decided upon and ordered by Hitler himself, and that he, Dr. Best, could, therefore, do nothing about it. Actually, that statement corroborated what everyone knew. Innumerable persons with whom I talked and who witnessed the violence told me that at all of the synagogues, which had been set on fire by the Nazis, the fire departments were always present, but never acted except to prevent the fires from spreading to neighboring non-Jewish properties. Nor did the police interfere with any of these acts of vandalism and incendiarism.

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I personally did not see any of the violence nor the burning of the synagogues while the acts were being perpetrated, as the mobs throughout Germany commenced to work at midnight on November 8, 1938, and carried through their activities during the early morning hours of November 9. At that time I was on my way to the Wartburg Castle, and on the day of November 9 I saw the burned synagogues and the looted and smashed shops in Eisennach, and later in Berlin. I also know that at this time many of the wealthy Jews, who had previously escaped attack, were arrested, among whom were relatives of American citizens. Pursuant to requests from the United States, some of which were transmitted through the Department of State, I personally intervened with the Gestapo through Dr. Best, and secured the return of nearly twenty victims from the Saxonhausen Concentration Camp. Among these victims were Fritz Warburg and Eugene Garbaty. I think that many, perhaps most of these people, were released in the space of ten days or two weeks with the warning that if they remained in Germany they would have cause to regret it. In all cases the victims were subjected to rough treatment. Those who returned from the concentration camp and whom I saw in my office had their hair closely clipped, a common outward sign that they had been at Saxonhausen.

The Gestapo authorities with whom I spoke on my frequent, and often daily visits to the Gestapo headquarters did not hesitate to state that they regarded Communists in particular as subversive

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H3004 - 0023

1759-PS

subversive and as an element dangerous to the State, and that it was necessary to wipe them out. Diehls, the first chief of the Gestapo, in particular, whom I saw nearly every day of the March wave of terror in 1933, made no attempt to conceal the systematic character of the roundups of what he called "subversive persons"; though he did attempt to justify it to me as necessary to the safety of the State. While denying that any violence against American citizens was contemplated, he admitted that it was being undertaken against Germans. Terroristic tactics, however, in all their various forms, were so completely and thoroughly the actuating policy, that it would have been wholly redundant to discuss it. They and I both understood that it was the mainspring of all Gestapo activity - indeed of all Nazi activity - and that it was beyond discussion.

On one occasion I received a clear and definite admission of the Nazi terroristic policy with respect to many of their victims. In 1938 I was making strenuous efforts to free a young man from a concentration camp. He had been arrested in March, 1933, for aiding certain of his comrades to escape Germany, and had been sentenced by regular courts to a sentence of 2 1/2 years. When he was released from the Brandenburg Prison at the end of that time, he was taken into custody by the Gestapo and sent to Dachau, the notorious concentration camp, and from there to Buchenwald. I had tried over a long period of time to secure his release by appeals personally to Himmler, Heydrich and Best, and

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A 09169

H3004 - 0024

had failed. In 1938, however, I was told by Ministerialrat Krohne, in the Ministry of Justice, that if I could reach Grupenfuehrer Eiche of the Todtenkopfverbaende (Death's Head Regiments) I might be successful. Eiche was then the head of all German concentration camps. After having first been told officially by the Gestapo that no such person existed, I was finally able by a ruse to secure his telephone number whereupon, through the recommendation of Krohne, I was able to make an appointment with Eiche at the Saxonhausen Concentration Camp near Berlin. He told me that with respect to Communists and any other persons who were suspected of holding views contrary to the Nazi conception of the State, such persons were "Asociale", that is, impossible of social assimilation and, therefore, they must be physically eliminated from society, or destined to perpetual confinement. Thaelman, the leader of the Communists in the Reichstag, was, as is well known, kept during the Hitler regime in perpetual confinement. His ultimate fate has never been revealed.

On another occasion I was given considerable information by a high official of the Gestapo as to the policy of the Nazis with respect to the Jews. I had had considerable contact with the head of the Jewish section of the Gestapo, known as the "Judischeabteilung des Gestapos", one Dr. Hasselbacher, in connection with making arrangements for official representatives of the American Joint Distribution Committee to visit certain Jewish centers throughout Germany, for which visits, of course, the permission of the Gestapo was necessary. These negotiations brought me frequently

A 09169

H3004 – 0025

frequently in touch with Dr. Hasselbacher, whom I came to know very well. He told me that Germany will be made "Judenrein", that is, clean of Jews. He said that all the Jews who failed to leave Germany would be exterminated. That statement was made in 1938 before the extermination camps were established, but the statement of Hasselbacher clearly indicated the eventual emergence of extermination camps in accordance with the general Nazi plan; for certainly the Jews were unable to leave Germany, even if they had been permitted to do so by the Nazis, as no world-wide arrangement had been made to receive them in other countries.

I had a great deal of experience with the systematic measures which were taken to confiscate property of non-Nazis, particularly Jews. Force of circumstance and a settled governmental policy made this campaign a more gradual one. Drestic and sudden action would have lead to the alienation of a great deal of ready assets owned by the Jews and would have tended to destroy the economic value of Jewish-owned property. It would also have resulted in the physical destruction or hiding by Jews of things of value, as indeed did happen to a great extent. Consequently, the Nazis permitted many Jews, particularly those of wealth and position, to remain unmolested for many years, giving the Jews the faithless and false assurance that they were exempted from the general repressive program for various reasons. For example, I knew well the leading German cigarette manufacturer, Eugene Garbaty. Until

September,

H3004 - 0026

September, 1938, he was in complete control of his fortune. During that month, however, he was compelled to sell his factory, worth between seven million and ten million marks, for the sum of one million marks. In October, 1938, his country estate near Dresden, valued probably over two million marks, was simply confiscated with no payment at all. It was to be used, as the authorities stated, for a welfare center for German Youth. After his experience in the Pogrom of November 8, 1938, Garbaty applied for a passport and received one only after paying a bribe of 500,000 marks to the corrupt Count Heldorf, Chief of Police in Berlin, and enough other fines to equal the million marks that he had received for his factory. He left Germany with nothing, except that earlier, by bribing the customs officials with approximately 250,000 marks, he had been able to get valuable art treasures out of Germany. Garbaty is now a citizen of the United States and is living in Connecticut.

Another instance of the same nature occurred with respect to my landlord, Mr. Franz Rinkel, who told me the entire story of his persecutions at the hands of the Nazis. He had a fine house at No. 2 Bruckenalle in Berlin, in which I lived. Rinkel was one of the victims sent to Saxonhausen and whom, after the space of a week, I was able to rescue. One Dr. Lilienthal, a fanatical Nazi lawyer practicing in Berlin, coveted Rinkel's house. The general system of expropriating the property of the Jews was illustrated in this particular case. My landlord was approached by Dr. Lilienthal and told the price the latter desired

A 39169

H3004 - 0027

desired to pay, a mere fraction of the value of the estate. He was given a few days to make up his mind to sell at that price. He sold because he knew that if he did not, he would be accused of some trumped-up crime and taken away to the concentration camp. Dr. Lilienthal took possession of Rinkel's house. I know that on many occasions where it was thought necessary to increase the pressure, the prospective purchaser or his agent would be accompanied by a uniformed S.A. or S.S. man. I know because I lived in the immediate neighborhood and knew the individuals concerned, that Baron von Neurath, one time Foreign Minister of Germany, got his house from a Jew in this manner. Indeed, he was my next door neighbor in Dahlem. Von Neurath's house was worth approximately 250,000 dollars. I know too that Alfred Rosenburg, who lived in the same street with me, purloined a house from a Jew in similar fashion. There were, of course, innumerable instances in which Nazis used their positions in the Party to void debts and the like. An illustration of this were the cases of the persons who came to the Consulate in Berlin and informed us of the circumstances. For example, Max Schussler, an American citizen, made an affidavit which states:

> "....I own several apartment houses in Berlin, one situated at Ring Strasse 11, Berlin-Steglitz. On the property at Ring Strasse 11 resides a tenant by the name of Hans Zink, who owns and operates a restaurant in those premises. He has been in arrears in his rent for about a year. Since the first of February of this year, that is, since the new Government came into power, he has refused to pay his rent. I gave instructions to the Sheriff to have him put out.
>
> Yesterday

H3004 - 0028

1759-PS

Yesterday two uniformed men came to my office and spoke to my secretary and said that if I do not recall the order to the Sheriff to have Zink evicted, something will happen to me. I did not see these men. My secretary received them. She stated they wore black trousers and brown shirts. She referred them to my attorney, Felix Szkolny, Charlottenstrasse 17, Berlin S. W. 68. They went to the attorney, but he refused to give the order. They came to my office again and said to my secretary that if I did not give the order in writing and hand it over to a certain address within an hour's time, something would happen. I then called the police station at Alexandrinenstrasse 134, Revier No. 113, and a police officer came to my office and accompanied me to a taxi, when I went home.

About a week before, it may be noted, Zink had come to my office and insisted on my rescinding the order of eviction, and said, "I care nothing about law; we are now in power, remember that. Do anything you please, I am not going out of the office until you cancel the order". I called the police, and an officer came. Zink said, "I do not care what you say". After about ten minutes the officer put him out.

At two o'clock Tuesday morning, March 7, I was awakened and faced by two men with pistols, who had come into the house. They were allowed to enter by the janitress, as they claimed to be "Hilfspolizei", and also by my maid. These two men were accompanied by two others in civilian clothes, the former wearing the brown National Socialist uniforms. They said, "Here, dress yourselves, quick too". My wife asked them to turn about while she dressed, but they refused. She was compelled to remove her night gown at the point of a revolver and stand naked before the intruders. When she protested they said, "Don't be theatrical". My wife then wanted to telephone, but they said, "No, sit down. Do not touch the telephone", while they kept their pistols pointed at us all the time. I sat down. One of them said, "Have you got a fountain pen? You sign that". I had to sign the order to the Sheriff cancelling the order of eviction, and had to sign another letter to the tenant Zink, stating that the order of eviction was called off. I hesitated to sign and they drew their revolvers on me, and my wife in terror fell to her knees, and then I signed. I asked if they had credentials, and they pointed to the "Hakenkreuz" on their sleeves and said that was their credentials. They then said, "If you recall that order tomorrow, you will be dead". After I signed, they left...."

Actually,

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H3004 - 0029

Actually, all Nazis used their positions in the Party as a means of enriching themselves. I have already spoken of the bribe to the customs officials and the Foreign Office officials, which Mr. Garbaty was compelled to pay. Another instance of the venality of the Nazi officials was illustrated in the case of Mendelssohn Bartholdy, who owned a house near me and whom I knew well. He was told by Count Heldorf, Chief of Police in Berlin, through his stooge, one Herr Schmidt, that his passport would cost him 250,000 marks. Bartholdy told me the facts and asked me if he should pay. Knowing the Nazi practices and the danger which he ran as a Jew in Germany, I advised him to pay. He did, got his passport and visa, and left Germany. This happened in November, 1938.

I was informed by a personal friend, a Jewish banker in Berlin, Herr Kempner, whom I believed to be qualified to make an accurate estimate, that the total confiscations from Jews in Germany was between seven and eight billion marks.

I had less experience with the manner in which the Nazis operated in industrial firms. However, from the accounts of numerous American businessmen with manufacturing plants in Germany, accounts which agreed with the information which I had with respect to similar activities in German factories, I know that the Nazis used their Party position to obtain authority and power. Many American businessmen told me that they had serious troubles operating their factories because the Nazi officials in the establishment, usually recruited from the workmen, attempted

H3004 - 0030

1759-PS

attempted to take over the management themselves, and engaged consistently and ruthlessly in acts of persecution against non-Nazi workmen. Many German firms were actually dominated by fanatical Nazis, usually persons who had had no previous position of importance, such as janitors, timekeepers and the like. Their position in the Nazi hierarchy gave them importance in the enterprise out of all proportion to their standing and position.

Raymond F. Geist

ubscribed and sworn to

fore me William L. Brewster,
ce Consul of the United States
America, duly commissioned
qualified,
Mexico, D. F., Mexico,

28th day of August 1945.

William L. Brewster

William L. Brewster
Vice Consul of the United
States of America

Service No. 6684
Tariff No. 38
No fee prescribed.

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H3004 - 0031

H3004-0031A

1759-PS

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EXHIBIT U.S.A. 420 (1759-PS)

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EXHIBIT U.S.A.

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H3004 - 0032